

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3748 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KAMLESHKUMAR CHIMANBHAI PATEL

Versus

COLLECTOR, KHEDA

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Appearance:

MR JR NANAVATI for Petitioner

MR SAMIR DAVE for Respondent No. 1 & 2

None present for Respondent No. 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/10/96

#### ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner, a dealer of Kerosene and doing business of Kerosene at Nar in Taluka Petlad, filed this petition before this Court and grievance has been made therein that the order passed by respondent No.1 dated 1st July 1986 as well as the order of respondent No.2 dated 3rd July 1986, annexure 'A', be quashed and set aside.

2. Under the order dated 1st July 1986, the respondent No.1 fixed the price of Kerosene in respect of sale made by agents, wholesale dealers, retailers and hawkers. The petitioner has been informed of the aforesaid order of respondent No.1 by respondent No.2 under its letter dated 3rd July 1986.

3. On 8th August 1986, this Court has made order which reads as under:

"Mr. Nanavati informs that the petitioner has been summoned by the Resp.Collector on 11.8.86 when the petitioner will be placing forth his contentions before the Collector. The Resp.Collector is directed to hear the petitioner and he may give reasons for departure if any has been made by him so far as the petitioner is concerned. The Collector may also indicate the basis on which he has arrived at a particular price. S.O. to 14.8.86."

The petitioner has been summoned by the respondent-Collector to hear the petitioner and it is stated in the aforesaid order the he may give reasons for departure, if any, has been made by him so far as the petitioner is concerned. It has further been directed by this Court to the Collector to indicate the basis on which he has arrived at a particular price. The learned counsel for the petitioner, Shri J.R. Nanavati very fairly conceded that what order ultimately has been passed by the Collector in pursuance of the directions given by this Court on 8.8.86 has not been brought on record of this case nor the petitioner has challenged that order before this Court. However, the learned counsel for the petitioner admitted that the Collector has passed an order.

4. This petition, in above circumstances does not survive as the order which has been made by Collector in pursuance of the order of this Court dated 8.8.86 has not been produced on record nor it is a case that the petitioner has any grievance against the said order. Without challenging subsequent order if it goes against the petitioner, this writ petition is not maintainable. this position is not disputed by the petitioner's counsel. However, the matter of price fixation of Kerosene is subject to change from time to time and the counsel for the petitioner also fairly conceded that he has no information as to whether after filing of this petition, further price fixation has been made or not and if yes, whether the petitioner has made any grievance for

the same or not. The prices of Kerosene has to be fixed after reasonable interval and during this period of ten years, the price of Kerosene would have been fixed for more than one time.

5. Taking into consideration the totality of the facts of the case, I am of opinion that nothing now survives to be decided in this petition. In the result, this writ petition fails and the same is dismissed. Rule discharged.

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(sunil)